

**REPORT - PLANNING COMMISSION MEETING**  
**December 12, 2002**

**Project Name and Number:** Scientific Acupuncture (PLN2003-00007)

**Applicant:** Qun Hang

**Proposal:** To consider a Conditional Use Permit Amendment for a quasi-public acupuncture institute in an existing building.

**Recommended Action:** Approve, based on findings and subject to conditions.

**Location:** 37553 Fremont Boulevard in the Centerville Planning Area.

**Assessor Parcel Number(s):** 501-0536-02902

**Area:** (.17) acres

**Owner:** Qun and Zhu Tin Hang

**Environmental Review:** This project is categorically exempt from CEQA review under Section 15301, Existing Facilities.

**Existing General Plan:** Residential Low Density, 5-7 dwelling units per acre

**Existing Zoning:** R-1-6 (CSPC), Single Family Residential with Centerville Specific Plan Overlay

**Existing Land Use:** Single Family Residence

**Public Hearing Notice:** Public hearing notification is applicable. A total of 712 notices were mailed to owners and occupants of property within 1000 feet of the site on the following streets: Fremont Boulevard, Peralta Boulevard, Joseph Street, Parish Avenue, Central Avenue, Argyle Court, and Maple Street. The notices to owners and occupants were mailed on December 2, 2002. A Public Hearing Notice was delivered to The Argus on November 27, 2002 to be published by December 2, 2002.

**Executive Summary:** The applicant is requesting approval of a conditional use permit amendment for a non-profit acupuncture institute on .17 acre located at 37553 Fremont Boulevard in the Centerville Planning Area. On August 27, 1987, the Planning Commission approved a conditional use permit and variance for a non-profit childcare center.

**Background and Previous Actions:** The project site is developed with a single family (one-story) dwelling built in 1930. The property was used residentially until August 27, 1987, when the Planning Commission approved a conditional use permit (U-87-13) and a variance (V-87-24) to landscape requirements and driveway width for the Community Child Care Coordinating Council, a private non-profit corporation providing child care services to Oakland and seven cities in Southern Alameda County. In 1999, the organization vacated the premises on 37553 Fremont Boulevard and relocated to another site in Fremont.

**Project Description:** The project site is a residential parcel with an existing 1,981 square foot building. The applicant is proposing to use the building for an acupuncture institute. The Scientific Acupuncture Institute of California is a non-profit organization comprised of individuals, acupuncturists, and other health care professionals dedicated to promoting the education of acupuncture and Chinese medicine. Daily business operations are generally administrative with occasional meetings, demonstrations, and focus groups gatherings. Proposed hours of operation are 9:00 am until 5 pm, Monday through Friday. No interior or exterior modifications are proposed.

The Institute will occupy 987 square feet of the existing building, which would include office space, seminar (waiting) room, and restroom. The remainder of the building is vacant space, storage, and kitchen facility. There are three building entrances: A front entrance on Fremont Boulevard, one in the rear adjacent to the parking lot, and a side entrance interconnected to an accessible ramp is located on the northwest side yard. Outdoor lighting is located on the rear and side of the building. A 6-foot high masonry wall exists in the rear yard between the parking area and the adjacent residence.

The project site is located on the corner of Central Avenue and Fremont Boulevard. The site is adjacent to residentially developed dwellings. The Holy Spirit Roman Catholic Church is directly across Fremont Boulevard.

### **Project Analysis:**

**General Plan Conformance:** The existing General Plan land use designation for the project site is residential. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

**Policy LU 1.10:** *Appropriate transitions shall be encouraged between higher density residential areas and lower density areas, and between commercial areas and lower density residential areas.*

The project is located in the eastern fringe of Subarea 1 of the Centerville Specific Plan. Under the Plan, Subarea 1 is targeted as an area for commercial uses, preserving historic character, and enhancing pedestrian circulation. It is Centerville's downtown. Although not directly contributing to the overall commercial character of Subarea 1, the Scientific Acupuncture Institute would provide a transition from commercial activity to the predominately residential concentration east of the commercial center. The project complies with the intent and requirements of the Centerville Specific Plan.

**Zoning Regulations:** The site is zoned Single Family Residential (R-1-6). Quasi-public uses are permitted in this zoning designation under the provisions of a conditional use permit. The Fremont Municipal Code defines Quasi-public as "a use operated by a private, nonprofit educational, religious, recreational, charitable or medical institution." The scientific acupuncture institute is an accredited non-profit organization (Informational Exhibit 1).

**Parking/ Circulation Analysis:** Parking is located in the rear of the building. The parking requirement for an office use is 1 parking space for each 300 square feet of floor area. Therefore, 7 spaces are required. As shown on Exhibit "A", seven parking spaces are available for use (1 handicap with 8 foot unloading zone, 4 standard, and 2 compact). There are two additional covered spaces in the rear garage, which, as a condition of this permit, will not be used during business hours because access thereto would preclude use of uncovered spaces.

On August 12, 1987, the Planning Commission approved variance (V-87-24) to Section 8-2209 (b) (2) and Section 8-2209 (g) (1) of the Fremont Municipal Code (FMC). Section 8-2209 (b) (2) requires a minimum of 6-foot wide landscape maintained between the circulation and parking area and adjacent residential areas, and Section 8-2209 (g) (1) requires a minimum of 9-foot by 19-foot typical parking space; this standard 19-foot depth may be reduced to 17 feet when a two feet increase landscape area is provided. Variance (V-87-24) allowed the required two-foot overhang into the landscape area along the parking stalls, reducing the available landscape area by 2 feet, to maintain an adequate backup and circulation aisle way of 24 feet deep. The variance also allowed an exception to the 6 foot landscape requirement between the driveway and the adjacent residential dwelling.

Section 8-2209 (J) requires a minimum 20 feet wide driveway for two way traffic. Variance V-87-24 allowed a reduction to the driveway width from 20 feet to 14 feet because the site configuration did not allow room for a wider driveway. A wider driveway is also necessary for fire prevention. The Fremont Fire Division determined that fire prevention could be provided from Fremont Boulevard because of the small lot size. These variances run with the land and are not the subject of this use permit.

**Street right-of-way and street improvement obligations:** Fremont Boulevard has an existing right-of-way of approximately 90 feet. The right-of-way planned for Fremont Boulevard is 100 feet, and the future widening will occur only

at the westerly side of Fremont Boulevard. Approximately 10 feet of street right of way on the subject property has already been dedicated for this purpose (dedication of 10 feet labeled "City Land" shown on Exhibit "A").

**Urban Runoff Clean Water Program:** The applicant will be required to conform to the City's Urban Runoff Clean Water Program requirements. Conditions of approval are included to reflect this requirement.

**Applicable Fees:**

- **Centerville Specific Plan Fee:** This project is located within Subarea 1 of the Centerville Specific Plan. The Centerville Specific Plan Fee does not pertain to this project because it does not involve any new development or redevelopment of the site.
- **Development Impact Fees** are not applicable because impact fees are specific to new development or development which trigger a more "intensive use". The Scientific Acupuncture Institute is similar in scope and operation to the preexisting use, the Community Child Care Coordinating Council, and will not generate a more intense use.

**Redevelopment:** This project is located within the Centerville Redevelopment Area. Redevelopment staff has indicated that the Scientific Acupuncture Institute would not have negative impact implementation of the Centerville Redevelopment.

**Waste Management:** The organization functions similar to a residence and will not generate excessive amounts of waste. The applicant has accounted for and provided space for trash and recycling bins as shown on Exhibit "A". If needed, extra bins can be temporarily placed in the garage.

**Enclosures:**

Exhibit "A" Site Plan, Floor Plan  
Exhibit "B" Conditions of Approval for PLN2003-00007

**Exhibits:**

Exhibit "A" Site Plan, Floor Plan  
Exhibit "B" Conditions of Approval for PLN2003-00007

**Informational:** Exhibit "1"

**Recommended Actions:**

1. Hold public hearing.
2. Find PLN2003-00007 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
3. Approve PLN2003-00007, as shown on Exhibit "A", subject to findings and conditions on Exhibit "B".

**Exhibit "B"**  
**Findings and Conditions of Approval for PLN2003-00007**  
**Scientific Acupuncture – Conditional Use Permit Amendment**  
**37553 Fremont Boulevard**

**FINDINGS**

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated December 12, 2002 incorporated hereby.

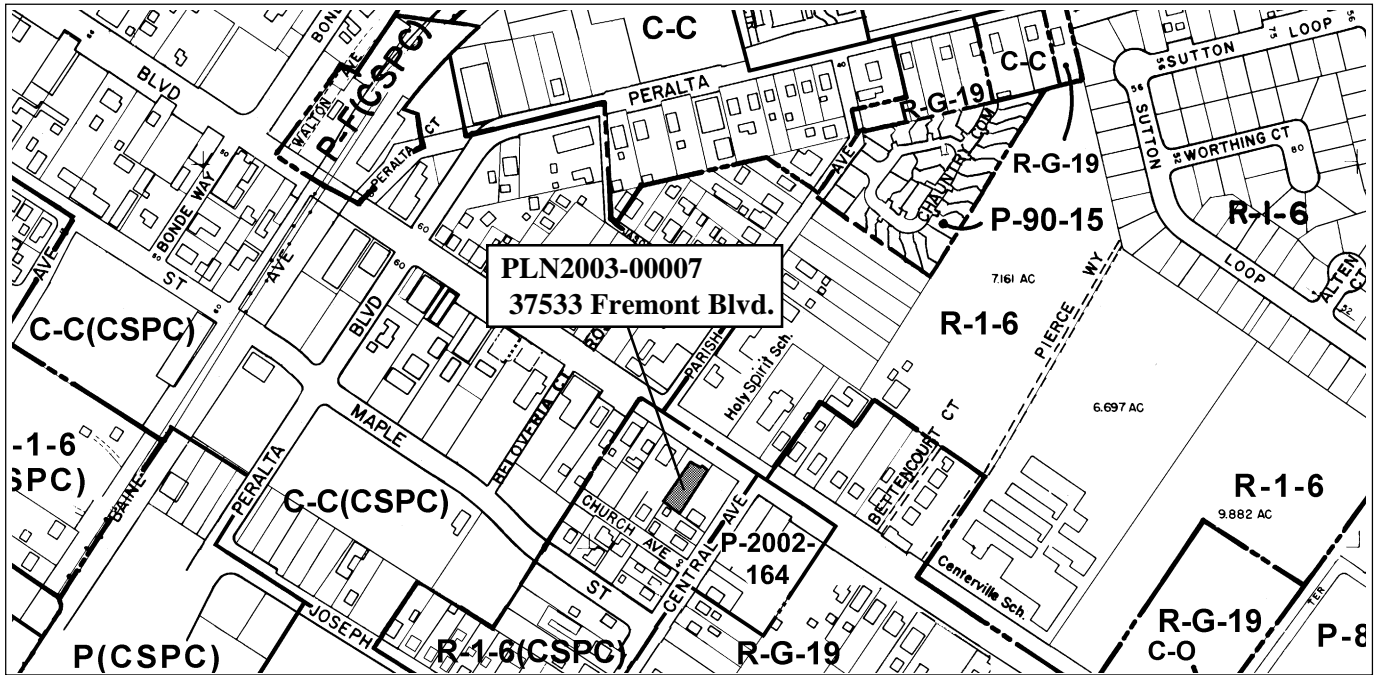
1. The proposed use is consistent with the General Plan designation for the site, since the land use, a quasi-public use is conditionally permitted on property designated residential on the General Plan.
2. The site is suitable and adequate for the proposed use because the site is located adjacent to a major thoroughfare and the use provides a transition from Centerville's downtown commercial center and the outlying residential areas.
3. The proposed use would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on planned level of service of the street system or other public facilities or services because 10 feet of right of way has already been dedicated for the Fremont Boulevard widening, street improvements are in place, there is sufficient on site parking, and points of ingress and egress are properly located.
4. The proposed use would not have a substantial adverse economic effect on nearby uses because the use is a non-profit establishment.
5. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large because the use would not create nuisances or degrade the environment.
6. The design of the project is compatible with existing and proposed development within the district and it's surrounding because the exterior appearance of the existing residential dwelling will not be altered to reflect an office use.

**CONDITIONS**

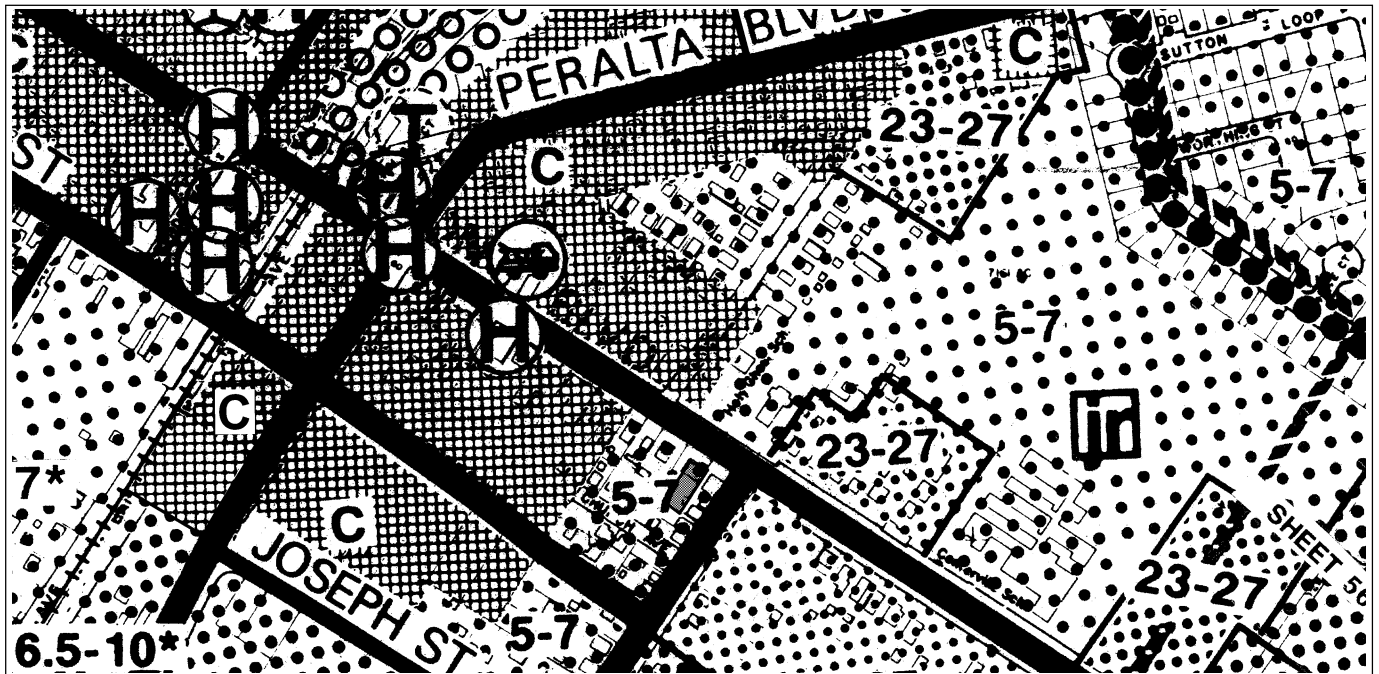
1. Approval of PLN2003-00007 for an acupuncture institute shall conform to Exhibit "A" (Site Plan, Floor Plan).
2. Minor modifications to the conditional use permit consistent with Title IV, Chapter 7 of the Fremont Municipal Code, may be made subject to review and approval of the Assistant City Manager if such modifications are in keeping with the intent of the original approval.
3. If the Assistant City Manager finds evidence that conditions of approval have not been fulfilled or that the use or uses has or have resulted in a substantial adverse effects on health, and/or general welfare of user of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Assistant City Manager may refer the use permit to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit.

4. This use permit amendment will supersede all conditions stated in U-87-13.
5. Business operations shall not be used for regular practice of acupuncture.
6. Outdoor parking and pedestrian areas shall be kept clean and clear of any waste or debris. Use of solvents or cleaning agents, which have potential to drain into storm water systems, shall be prohibited.
7. The property owner shall be responsible to re-stripe the parking stalls. The number and dimension of the parking stall shall be in conformance with Exhibit "A."
8. Signs of any type, including advertising said business, shall be prohibited on premises.
9. Business operations shall be between the hours of 9am to 5 pm, Monday through Friday. Minor changes to the hours of operations may be approved by the Assistant City Manager.
10. The rear parking garage will not be permitted for use between hours of operation in order to maintain access to the designated 7 spaces.
11. Security and safety lighting will be conforming to the City Security Ordinance and regulation so as not to disturb property of public rights of way. The lighting on the south and west sides of the building will be pointing downward, and composed of low intensity, non-glare fixtures.
12. The applicant shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
13. All trash and recycling bins shall be covered.

# INFORMATIONAL



Existing Zoning



Existing General Plan

**Project Number:** PLN2003-00007 (CUP)  
**Project Name:** Scientific Accupuncture Institute  
**Project Description:** To consider a Conditional Use Permit Amendment for a quasi-public acupuncture institute in an existing building in the Centerville Planning Area.

**Note:** Prior arrangements for access are not required for this site.

